

Dear Arbitrator:

Thank you for your service in the arbitration program. The following question and answer check list and information may help you. If you have any questions, comments or suggestions please call **(602) 506-3850** or e-mail us at **Arbitration@superiorcourt.maricopa.gov**

QUESTIONS AND ANSWERS

Q. WHAT DO I DO FIRST?

A. Check the court website by logging on to (**www.superiorcourt.maricopa.gov**) for case information. (Procedures are included in the basic information section of this packet.) If you do not have a conflict, schedule an arbitration hearing. Please try to complete the hearing within the next 60 days or so. The outside limit is 120 days.

Q. WHY SHOULD THE HEARING BE DONE SO SOON?

A. Consistent with the need to minimize delay in litigation, Rule 38.1 of the Uniform Rules of Practice requires a Motion to Set within 270 days after the action was filed.¹ After the arbitration hearing, time consuming procedures are required before your award is final. (See Rule 75 Arizona Rules of Civil Procedure.) If a party wants to appeal, there may be some discovery that needs to be done before the appeal can be set for trial. Everything needs to be completed before the 270-day period has run.

Q. WHERE CAN THE HEARINGS BE HELD?

A Arizona Bar Center - (call (602) 340-7239)
Arbitrator's Private Office

Q. WHAT DO I DO IF I RECEIVE MOTIONS?

A. Motions are properly sent to the arbitrator throughout the pendency of arbitration. You can, and should, rule on them except:

Motions/Stipulations to Consolidate Cases under rule 42

Motions/Stipulations to Continue on Inactive calendar under rule 38.1

Motions/Stipulations for a Judgment of Dismissal

Motions to withdraw as attorney of Record under Rule 5.1

Motions for Summary Judgment that if granted, would dispose of the entire case as to any party

¹ Complex and unusual cases can be handled under rule 16 ARCP, but that rule is not designed for arbitration cases and should be used very rarely, if at all, in arbitration.

Q. WHAT DO I DO AFTER THE HEARING?

A. Within ten days after completing the hearing you must: (1) return the case file to the Clerk of the Court; (2) file your Notice of Decision (sample included) with the Clerk of the Court and, (3) mail or deliver copies of the Notice of Decision to all parties or their counsel. Within ten days of filing the Notice of Decision the prevailing party must submit the following to you:

(1) A proposed form of Arbitration Award

(2) A verified statement of costs and an affidavit for attorneys' fees, if fees Last printed 3/4/2009 9:56:00 AM are recoverable. Parties and counsel have five days after receipt to file objections. Within ten days of receipt of objections, the arbitrator shall pass upon the objections, sign, and file the award with the Clerk of the Court and mail or deliver copies to all parties or their counsel. NOTE: the arbitration is not formally ended until an "**Award**" is filed. Please be sure the word "proposed" does not appear on the original award. The clerk's office will not file a "proposed" award even if you sign it.

Q. WHAT DO I DO WITH EXHIBITS?

A. Return them to the parties at the end of the hearing or after the award has been filed.

Q. HOW CAN AN ARBITRATOR SET A HEARING IF LESS THAN ALL OF THE DEFENDANTS HAVE ANSWERED?

A. If an assigned arbitrator determines that less than all parties have answered, and wishes to set a hearing within 120 days, the arbitrator may set a telephonic scheduling conference with all parties served to date. The arbitrator may order the plaintiff or counsel to immediately notify all parties who have been served, of the date and time of the scheduling conference.

Q. WHAT SHOULD AN ARBITRATOR DO IF A DEFAULT HAS BEEN ENTERED AGAINST A DEFENDANT?

A. If a default has been entered against a named defendant, the arbitrator loses jurisdiction over the defaulted defendant only, and the case against that defendant should be referred to the assigned judge for all default proceedings.

BASIC INFORMATION FOR ARBITRATORS

1. When the arbitrator has a Conflict of Interest under the Rules

Submit a letter to the Arbitration Department, Superior Court of Arizona, Maricopa County, 201 W. Jefferson St., 4th floor, Phoenix, AZ, 85003, citing the rule and making a clear statement of the facts that fit the rule. Please include the case number and caption in your letter and mail copies of the letter to all parties,

PLEASE REMEMBER... you are still the arbitrator in the case until you have received a minute entry from Superior Court saying that you are excused.

2. General Procedures

2.1 Review the Arizona Rules of Civil Procedure, section IX Compulsory Arbitration

2.2 Once the hearing date is determined, prepare a Notice of Hearing (sample included) and
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Mail the original to:

ARBITRATION CLERK
CIVIL COURT ADMINISTRATION
201 WEST JEFFERSON, FOURTH FLOOR
PHOENIX, AZ 85003

OR

Deliver the original to:

ARBITRATION CLERK
CIVIL COURT ADMINISTRATION
125 WEST WASHINGTON, Ste 003, Ground Floor
PHOENIX AZ 85003

3. Continuances

3.1 If necessary, you may extend the time for hearing for “good cause”. (Please refer to the “Extension of Time for Hearing” section for guidance)

3.2 If a bankruptcy is filed during the arbitration process, please prepare and file a "Bankruptcy Notice" indicating the bankruptcy number, referring the case back to the assigned judge.

4. If You Need the Court's File

Please call ahead to ensure the file is available. The “Notice of Appointment” must be presented to check out the file, not sooner than four (4) days prior to the hearing per Rule 74 (i). Please **do not** add or remove any documents from the court file. All originals must be filed with the Clerk of the Court (except for the "Notice of Hearing").

If you need the case file to prepare for a hearing, we suggest that you call first. Please call (602) 506-3360 to ensure that the file is available.

The Electronic Court Record procedure has begun for cases filed in 2007. At the present time, the Clerk of Court will need at least 48 hours notice to make a copy of the file from the ECR.

The Arbitrator should contact either Aide Estrada

aestrada@cosc.maricopa.gov

Or Ed Morris emorris@cosc.maricopa.gov via e-mail.

Again, please allow at least 48 hours before the file is actually needed for pick up.

Cases assigned to the Downtown Court Complex- Phoenix
(Case numbers beginning with 00 after the year i.e. 2002-000013)
File Room Location - 601 W. Jackson Street, Phoenix, AZ

<http://www.maricopa.gov/clkcourt/downtownMap.asp>

Cases assigned to the Northwest Court Complex-Surprise
(Case numbers beginning with 07 after the year i.e. 2002-070013)
File Room Location - **601 W. Jackson Street, Phoenix, AZ**

Cases assigned to the Southeast Court Complex-Mesa
(Case numbers beginning with 09 after the year i.e. 2002-090013)
File Room Location – 222 E. Javelina Avenue, Mesa, AZ
<http://www.maricopa.gov/clkcourt/seMap.asp>

If your law office is in Phoenix and you are assigned a Mesa case, you may call the Mesa Clerk's office (602)-506-2127 to request that the file be sent to 601 W. Jackson for pick-up.

If your law office is in Mesa and you are assigned a Phoenix or Northwest case, you may call the Phoenix Clerks office (602)-506-1393 to request that the file be sent to 222 E. Javelina for pick-up. Be sure to identify yourself as the arbitrator.

5. How to Get Paid.

Rule 76 (f) authorizes compensation to arbitrators for time spent in hearing and if an Award or final disposition is filed.

If an arbitrator chooses to donate their payment to Maricopa County Bar, only complete the "Invoice in Support of Warrant Request", Checking the Pro Bono Option". This form can also be found on the State Bar web page.

www.maricopabar.org/foundation/arbform.pdf

For **"Payable To"** option
Complete the **"Invoice in Support of Warrant Request"** and
Go on line to complete the **"Vendor Registration"** with the Materials Department.

http://www.maricopa.gov/materials/Vend-reg/vendor_info.asp

Please direct questions regarding the Vendor-reg and W-9 to Materials Management at 602-506-8712

Send the **"Invoice in Support of Request for Warrant"** to the **Arbitration Department** address listed on the request.

Please include the following information:

1. Day(s) spent in hearing
2. Case Number
3. Invoice Number
4. Amount due \$75 X day(s) in hearing
5. Original Signature.

IMPORTANT:

County Finance **will not** issue checks if a vendor registration number has not been assigned. Requests are processed weekly; however, county reimbursement must be approved at several levels. Please contact **County Finance** at **602-506-3129** if you do not receive payment in a timely manner.

You may assign your fee to the Maricopa County Bar Foundation utilizing the "**PRO BONO OPTION**", or to an assignee of your choice. Please complete the "**Payable To:**" section of the request (including the assignee's tax identification number) if the assignee is other than the **Maricopa Count Bar Foundation**.

Other Helpful Links

Clerk of the Court www.clerkofcourt.maricopa.gov/

Attorney Address change www.clerkofcourt.maricopa.gov/forms.asp

Arizona State Bar www.azbar.org

Superior Court Law Library www.superiorcourt.maricopa.gov/lawlibrary/index.asp

Materials Management www.maricopa.gov/materials/

Request for Payment - Warrant

www.superiorcourt.maricopa.gov/SuperiorCourt/CivilDepartment/docs/warrantForm.pdf

OR

<http://www.maricopabar.org/associations/8668/files/Foundation%20-%20warrantForm%20-%20Arbitration.pdf>

EXTENSIONS OF TIME FOR HEARING

Delays in arbitration have been a significant problem. You may receive a request to extend time to hold the hearing. As arbitrator, for good cause, you may shorten or extend time (ARCP 74(b)). You are encouraged to grant a brief extension only if good cause is shown through a timely formal pleading. If you grant an extension, a formal written, signed order should be forwarded to the Arbitration Department. Remember: a Motion to Set is required within 270 days of the date of filing. Please refer all Motions to Continue on Inactive Calendar and motions to consolidate cases to the assigned judge.

Some examples of what should be considered in determining good cause are:

- 1) Whether the underlying circumstances were foreseeable or due to lack of preparation;
- 2) Whether the parties are proceeding with due diligence;
- 3) The complexity of the case;
- 4) The novelty of the issues;
- 5) Prejudice to another party; and
- 6) The need to dispose of actions or set them for trial in accordance with the fast track time limits - Motions to Set are required within 270 days of the filing of the action. (See Rule 38.1 ARCP)

Some examples of what do not amount to good cause are:

- 1) Stipulations that are not supported by factual bases;
- 2) Motions grounded on pending settlement negotiations; and
- 3) Motions grounded on failure to serve a defendant where due diligence in trying to serve has not been shown.

As arbitrator, you are acting as a judicial officer for this case. Any continuance pursuant to ARCP 74(b) should not unduly delay proper preparation for final disposition. If good cause has been shown justifying a continuance of the arbitration hearing, you should continue a hearing only for the length of time necessary to prepare for the hearing.

The Arizona Rules of Civil Procedure require filing of a Disclosure Statement. Rule 72(a) Arizona Rules of Civil Procedure (ARCP), provides that the Rules of Civil Procedure apply.

Thank you for your continued service. Your efforts are greatly appreciated

Where to File Arbitration Documents

Please Note the only Original Documents to be sent to the Arbitration Desk in Civil Administration are:

NOTICE OF ARBITRATION HEARING
NOTICE OF VACATING ARBITRATION HEARING
AMENDED NOTICE OF ARBITRATION HEARING
RESCHEDULED NOTICE OF ARBITRATION HEARING

Mail the original to:

ARBITRATION CLERK
CIVIL COURT ADMINISTRATION
201 WEST JEFFERSON, FOURTH FLOOR
PHOENIX, AZ 85003

OR

Deliver the original to:

ARBITRATION CLERK
CIVIL COURT ADMINISTRATION
125 WEST WASHINGTON, Ste 003, Ground Floor
PHOENIX AZ 85003

- **All other documents should be filed with the Clerk of Court and copies sent to the arbitration desk.**
- **Arbitration awards for Mesa cases should be filed with the Clerk of Court at 222 E Javelina**
- **All other Originals can be filed at with the Clerk of Court in any Superior Court Facility.**

OATHS AND AFFIRMATIONS

WITNESS

You (and each of you) do solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

AFFIRMATIONS

Occasionally a person prefers not to take an oath and will ask to be affirmed.

WITNESS AFFIRMATION (Do not raise hand)

YOU DO AFFIRM that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, **THIS YOU DO UNDER THE PAINS AND PENALTIES OF PERJURY?**

Following are some **SAMPLES** you may find useful

Arbitrator:

Phone: _____ Bar # _____

Dear Counsel:

On _____, I was appointed by the court to serve as arbitrator in this case. To expedite matters, please do the following:

1. Provide me with a stipulated series of dates on which the arbitration hearing could be held. None of those dates should be later than allowed by the Arbitration Rules. Please remember that the action can be dismissed under Rule 38.1, Arizona Rules of Civil Procedure if the arbitration is not timely completed.
2. Please read the Arizona Rules of Civil Procedure, Section IX and pay special attention to the provision concerning witnesses and Documentary evidence. Witnesses should be held to a minimum. Documentary evidence should be received on stipulation whenever possible. In addition, please try to stipulate on all undisputed facts, limitation of issues and other matters as appropriate.
3. Please provide me with copies of all exhibits at least two business days before the hearing. I will try to read the exhibits before the hearing. Also, at least two business days before the hearing, I would appreciate brief memoranda (no more than five pages per side) outlining your positions in the arbitration.
4. Most arbitration hearings can be completed in two hours with each side taking no more than an hour. If you require more time than that, please let me know as quickly as possible.

Thank you for your courtesy and cooperation.

Sincerely,

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Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
Plaintiff,)	CV
)	
vs.)	NOTICE OF DECISION
)	OF ARBITRATOR
)	
)	
Defendant,)	
)	
_____)	

As Arbitrator for this cause I find in favor of _____, in the amount of _____. I find that _____ is the prevailing party. _____ Shall submit to me a proposed form of award, an affidavit in support of attorneys' fees, if attorney fees are recoverable, and a verified statement of costs. Copies shall be served on the prevailing party and serve same upon opposing party, within 10 days from the date of this notice.

Dated this ____ day of _____, 20__.

Arbitrator

Copies mailed this ____ day
of _____, 20__, to:

1. Superior Court Arbitration Department
2. Plaintiff(s)
3. Defendant(s)

Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
)	
Plaintiff,)	CV
)	
vs.)	ARBITRATION AWARD
)	SETTLEMENT-DISMISSAL
)	
)	
)	
Defendant,)	
)	
)	
_____)	

The parties have advised the Arbitrator that they stipulate that the lawsuit may be dismissed.

The Arbitrator hereby files, as an Award, a dismissal of the arbitration proceedings and dismissal of this civil action. Each party shall bear their own costs.

Dated this ____ day of _____, 20__.

Arbitrator

Copies mailed this ____ day
of _____, 20__ , to:

1. Plaintiff(s)
2. Defendant(s)
3. Superior Court Arbitration Desk

Arbitrator:

Phone: _____ Bar # _____

SUPERIOR COURT OF ARIZONA
IN MARICOPA COUNTY

)	
)	
)	
Plaintiff,)	CV
)	
vs.)	WAIVER OF RIGHT TO APPEAL
)	ARBITRATION AWARD
)	
)	
Defendant,)	
)	
)	
_____)	

Pursuant to Rule 76(e), Arizona Rules of Civil Procedure, the parties stipulate that the award entered by the Arbitrator shall be binding upon the parties.

Dated this ____ day of _____, 20

(Signature)

(Typed Name)

(Signature)

(Typed Name)

Copies mailed this ____ day
of _____, 20__, to:

1. Superior Court Arbitration Department
2. Plaintiff(s)
3. Defendant(s)